

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

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U.S.C.A. #

U.S.D.C. #

JUDGE:

DATE:

08-W-5203

KMW

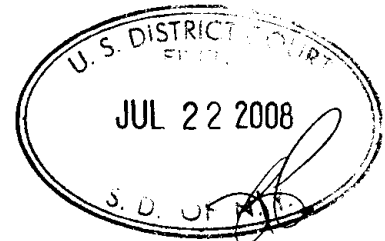
JULY 22, 2008

Smith

-v-

DiBella et al

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK  
FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK  
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 22<sup>ND</sup> Day of July, 2008.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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*Smith*  
 -v-  
*DiBella, et al*  
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U.S.C.A. # \_\_\_\_\_  
 U.S.D.C. # 08-cv-5203  
 JUDGE: KMW  
 DATE: JULY 22, 2008

**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 22<sup>ND</sup> Day of July In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233<sup>RD</sup> year.

**J. Michael McMahon, Clerk**

By \_\_\_\_\_

*[Signature]*  
 Deputy Clerk

APPEAL, CLOSED, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-05203-KMW**  
**Internal Use Only**

Smith v. DiBella et al  
Assigned to: Judge Kimba M. Wood  
Cause: 42:1983 Civil Rights Act

Date Filed: 06/06/2008  
Date Terminated: 06/06/2008  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
06/06/2008	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Patrick Ricardo Smith.(jeh) (Entered: 06/20/2008)
06/06/2008	2	COMPLAINT against Robert DiBella, Jane Doe. Document filed by Patrick Ricardo Smith.(jeh) (Entered: 06/20/2008)
06/06/2008		Magistrate Judge Henry B. Pitman is so designated. (jeh) (Entered: 06/20/2008)
06/06/2008	3	ORDER OF DISMISSAL; Plaintiff's application to proceed in forma pauperis is granted but for reasons set forth in this order. Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed pursuant to 28 U.S.C. 1915(e)(2). The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 06/06/2008) (jeh) (Entered: 06/20/2008)
06/06/2008	4	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2) (B) (ii), (iii). The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 06/06/2008) (jeh) (Entered: 06/20/2008)
07/03/2008	5	NOTICE OF APPEAL from 4 Judgment - Sua Sponte (Complaint), 3 Order Dismissing Complaint (I.F.P.). Document filed by Patrick Ricardo Smith. (tp) (Entered: 07/18/2008)
07/03/2008		Appeal Remark as to 5 Notice of Appeal filed by Patrick Ricardo Smith. \$455.00 APPEAL FEE DUE. IFP REVOKED 6/6/08.(tp) (Entered: 07/18/2008)
07/18/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Appeal. (tp) (Entered: 07/18/2008)
07/18/2008		Transmission of Notice of Appeal to the District Judge re: 5 Notice of Appeal. (tp) (Entered: 07/18/2008)